

# **Exhibit C**

---

**From:** Phillips, Harry  
**Sent:** Friday, February 12, 2021 4:04 PM  
**To:** cvarney@cravath.com; kforrest@cravath.com; GBornstein@cravath.com; MByars@cravath.com; YEven@cravath.com; LMoskowitz@cravath.com; Epic Mobile Apps  
**Cc:** \*\*\* GDC EpicLitTeam; robl@hbsslaw.com; bens@hbsslaw.com; benh@hbsslaw.com; tedw@hbsslaw.com; byrd@whafh.com; dejong@whafh.com; Rifkin, Mark  
**Subject:** Epic Games, Inc. v. Apple Inc., No. 4:20-cv-05640-YGR-TSH

Counsel:

In response to Apple's RFP 64, Epic first produced a set of Fortnite user data on January 22, and Apple subsequently identified a series of problems with the Epic data. Epic produced a replacement dataset on February 3, representing that the data were complete and accurate. In reliance on that representation, Apple's experts invested considerable time and effort analyzing the data in connection with upcoming reports. It was only earlier this week that anomalies in the data made it clear that the data produced by Epic were incomplete and deficient. After raising this deficiency with Epic, a replacement dataset was produced again on February 11. These were again unusable. On the morning of February 12, Epic provided the fourth iteration of this dataset.

Our consultants are currently confirming that the dataset produced this morning is complete and usable. Assuming that it is, our experts will still need to devote many hours to processing the new data, rerunning their existing analyses, and confirming their results and conclusions. Apple and its experts have been prejudiced by Epic's continued failure to produce complete and usable data in response to RFP 64. Initial expert reports are due to be served on February 15, yet Epic failed to deliver complete and usable data before February 12.

Our experts will make every effort to complete the reports that rely on these data by February 15. In the event they are unable to do so, however, we expect that Epic will have no objection to a short extension of time for service of those reports. If you do have any such objection, please let us know immediately so that we may schedule a conference with the Magistrate Judge this afternoon. We are available to meet and confer and reserve all rights to seek necessary relief.

**Harry R. S. Phillips**

**GIBSON DUNN**

Gibson, Dunn & Crutcher LLP  
1050 Connecticut Avenue, N.W., Washington, DC 20036-5306  
Tel +1 202.887.3706 • Fax +1 202.831.6049  
HPhillips2@gibsondunn.com • www.gibsondunn.com